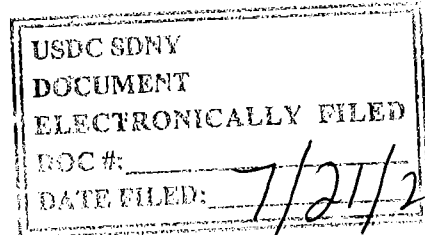


Copies Mailed/Faxed  
Chambers of VinUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
UNITED STATES OF AMERICA

v.

MYKAI DAVIS,

Defendant.  
-----X**ORDER**

14 CR 768-05 (VB)

By letter dated June 15, 2022, defendant Mykai Davis requests that the Court provide "assistance . . . in obtaining his First Step Act (FSA) eligibility and also his First Step Act (FSA) time credits (FTC)." Defendant says the Bureau of Prisons ("BOP") has improperly denied him such eligibility and credits, and that he has fully exhausted his administrative remedies. (Doc. #611). The government opposed the request by letter dated July 20, 2022. (Doc. #613).

Defendant's request is properly construed as a challenge to the manner in which his sentence is being executed by the BOP, rather than as a challenge to the underlying conviction or to the validity of the sentence itself. Thus, it may only be brought by application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the U.S. District Court for the district in which defendant is currently confined. Here, that is the Middle District of Pennsylvania, because defendant is incarcerated at U.S. Penitentiary Canaan in Waymart, Pennsylvania. Accordingly, defendant's request is DENIED WITHOUT PREJUDICE to re-filing as a Section 2241 petition in the Middle District of Pennsylvania.

To the extent defendant seeks any other relief, such as a recommendation to the BOP that he be given home confinement rather than being placed in a halfway house, that request is also DENIED. The Court will leave it to the BOP to decide whether home confinement or a halfway house is most suitable.

Chambers will mail a copy of this Order to defendant at the following address:

Mykai Davis, Reg. No. 71995-054  
USP Canaan  
U.S. Penitentiary  
P.O. Box 300  
Waymart, PA 18472

Dated: July 21, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti".

Vincent L. Briccetti  
United States District Judge